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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,685	12/09/2003	Marcille F. Ruman	KCX-705 (19342)	3265
22827	7590	06/29/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			BOGART, MICHAEL G	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

**Office Action Summary**

Application No.

10/731,685

Applicant(s)

RUMAN, MARCILLE F.

Examiner

Michael G. Bogart

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-28 is/are allowed.
- 6) ☒ Claim(s) 1-9, 14 and 20 is/are rejected.
- 7) ☒ Claim(s) 10-13, 15-19 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/28/04 & 1/19/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

There is no claim between claims 20 and claim 22.

Claims 20 and 22 are objected to because of the following informalities: Claim 20 depends from claim 20. For the purposes of examination against the art, claim 20 is interpreted as depending from claim 1.

Claim 22 recites the limitation "the film" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 14 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tameishi *et al.* (US 6,497,692 B1).

Regarding claim 1, Tameishi *et al.* teach a packaged absorbent article (20) for placement in the crotch region of an undergarment, comprising:

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a generally liquid permeable top cover (38);  
a generally liquid impermeable baffle (40) having a garment facing side;  
an absorbent structure (42) disposed between said top cover (38) and said baffle (40);  
said garment facing side of said baffle (40) comprising a hook material component (74)  
defined in a pattern thereon;

a hook compatible backing sheet (80, 82A) releasably attached to said baffle (40), said  
backing sheet (80) comprising dimensions so as to extend beyond lateral sides (26) and  
longitudinal ends (28) of said absorbent article (20) when attached to said baffle (40);

said article (20) and attached backing sheet (80) folded into a configuration such that  
lateral sides of said backing sheet are brought together and said backing sheet (80) defines a  
pouch for said article (20)(column 7, lines 1-12; column 8, lines 30-46)(figures 1, 2 and 12,  
below).

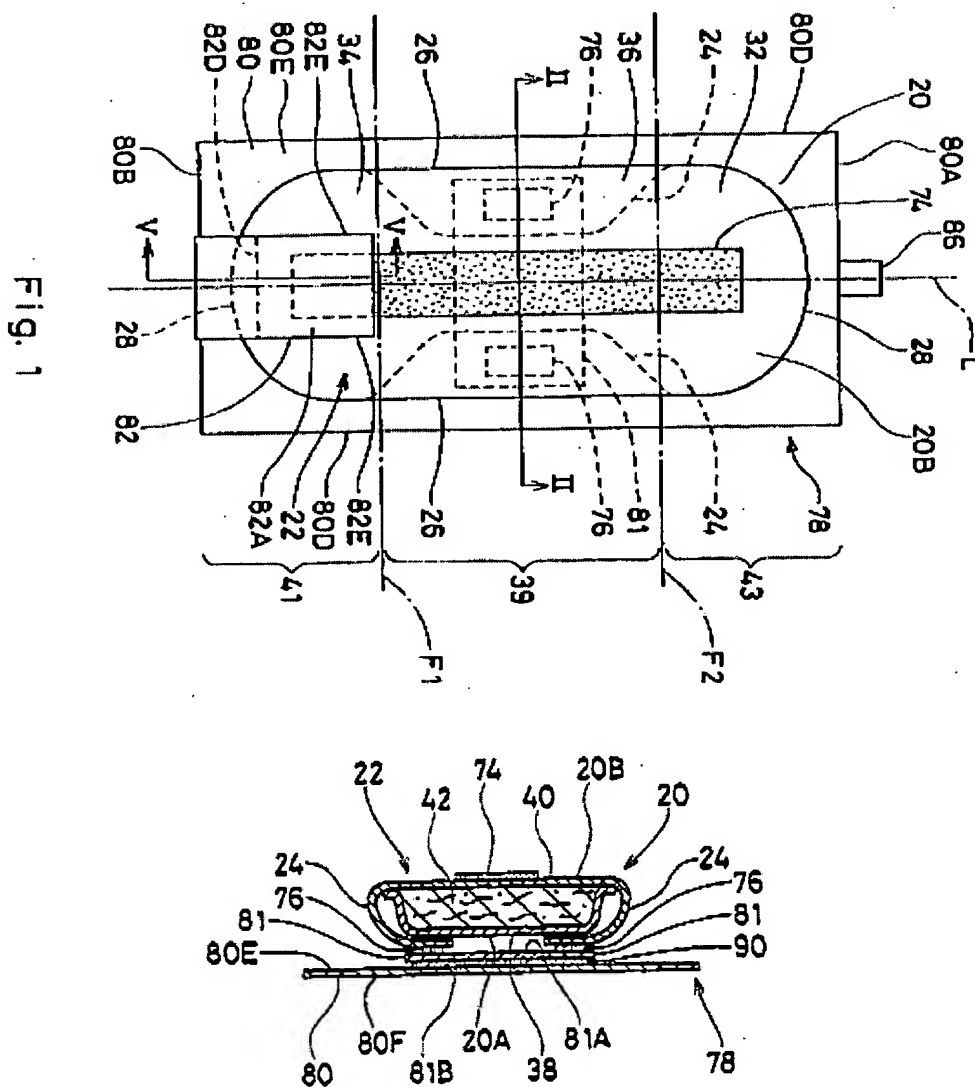
It is understood in the art that VELCRO® mechanical fasteners are of the hook and loop  
variety. Because Tameishi *et al.* teach that the non-stick face (82A)(which is at least part of  
backing sheet (80)) may be provided by non-woven material that can engage and release the  
VELCRO® component, then the VELCRO® component on baffle (40) must be a hook  
component.

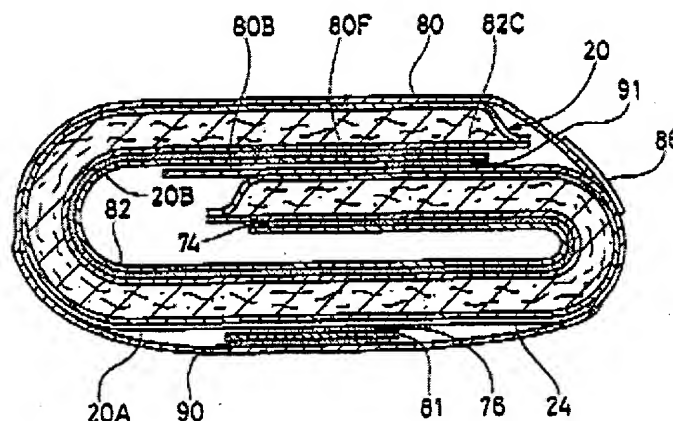
Regarding claim 2, Tameishi *et al.* teach that the hook material (74) on said garment  
facing side of said baffle (40) provides a primary attachment mechanism between said article  
(20) and the undergarment (col. 7, lines 26-34).

Regarding claim 3, Tameishi *et al.* teach that said top cover (38) comprises a hook  
compatible material, said backing sheet preventing attachment of said hook material (74) to said

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top cover in said folded configuration of said article (20)(col. 5, lines 10-39; cross references to various cloth topsheets made from non-wovens etc.)(figures 2 and 12).





Regarding claim 4, Tameishi *et al.* teach that the article (20) and attached backing sheet (80) are folded in a tri-fold configuration (figure 12).

Regarding claim 5, Tameishi *et al.* teach that one end of said tri-fold configuration defines an opening flap (80A) disposed against a front outwardly facing surface of said pouch (80).

Regarding claim 6, Tameishi *et al.* teach that said opening flap is releasably attached to said outwardly facing side (86) of said pouch (80).

Regarding claim 7, Tameishi *et al.* teach that said lateral sides (80D) of said backing sheet (80) are attached together to define sealed sides of said pouch (80).

Regarding claim 8, Tameishi *et al.* teach that one longitudinal end (80A) of said backing sheet (80) is folded over onto a front surface of said pouch (80) and defines an opening flap (80A, 86).

Regarding claim 9, Tameishi *et al.* teach that said backing sheet (80) comprises a nonwoven material that is releasably attachable to said hook material (col. 8, lines 29-34).

Regarding claim 14, Tameishi *et al.* teach that said article (20) further comprises opposite laterally extending wings (24) configured to fold around the crotch portion of a wearer's

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undergarment, said wings (20) folded onto said top cover (38) in said folded configuration of said article (20) such that garment facing sides of said wings (24) are outwardly facing (figure 2).

Regarding claim 20, Tameishi *et al.* teach that said article (20) and backing sheet (80) are tri-folded into said pouch (figure 12).

### ***Allowable Subject Matter***

Claims 10-13 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 23-28 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Larry Schwartz may be reached at phone number (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

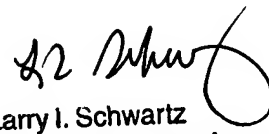
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael Bogart  
24 June 2005

  
Larry I. Schwartz  
Supervisory Patent Examiner  
Group 3700